

BOSTON REDEVELOPMENT AUTHORITY

Chairman's Statement

November 15, 1984

This is a Public Hearing before the Boston Redevelopment Authority being held in conformance with Section 26-3 of the Boston Zoning Code to consider a Development Impact Project Plan for a development proposed by Richard H. Rubin and Myrna Putziger, trustees of the Bedford-Kingston Realty Trust, for land at 99 Summer Street, Boston Proper.

This hearing was duly advertised on November 8, 1984, in The Boston Herald.

In a Boston Redevelopment Authority hearing on a Development Impact Project Plan, the Authority staff and the developer will first present their case and are subject to questioning by members of the Authority only. Thereafter, others who wish to speak in favor of the proposed plan are afforded an opportunity to do so under the same rules as to questioning. Following that, those who wish to speak in opposition may do so, again under the same rules of questioning. Finally, the proponents are allowed a period of five to ten minutes for rebuttal if so desired.

FACT SHEET

Development Impact Project Plan
99 Summer Street
Boston Proper

Developer: Richard H. Rubin and Myrna Putziger as they are trustees of the Bedford-Kingston Realty Trust under declaration of trust dated February 27, 1984 recorded with Suffolk Registry of Deeds at Book 10792, Page 201.

Architect: Goody, Clancy and Associates, Inc. of Boston, Massachusetts.

Site Description: Approximately 20,907 square feet of land bounded by Summer Street, Bedford Street and Kingston Street and adjacent to the rehabilitated Church Green Building. The site is now vacant and used only as a surface parking lot. A site plan for the development is attached as Exhibit A. The Developer has entered into an Option Agreement pursuant to which Developer has the right to acquire the site.

Location and Appearance of Structures: Developer plans to construct a single building on the site, to be known and numbered 99 Summer Street. 99 Summer Street will be entered from Summer Street through a five-story atrium arcade. This five story element is equal in height to adjacent, existing buildings on Summer Street. The major massing of the building is oriented toward Bedford Street and consists of a five faceted tower having nineteen stories plus a pent-house.

General Description of Development and Uses: 99 Summer Street will contain approximately 260,000 square feet of gross floor area as defined by the Boston Zoning Code. Approximately 20,000 square feet will be dedicated to ground floor retail and restaurant uses and the balance of such space dedicated to first-class office use. The development will also contain three levels of below grade parking housing 120 vehicles.

Estimated Construction Time: Construction is scheduled to begin in December, 1984 with completion scheduled for early Fall, 1986.

Projected Number of Employees: The Developer estimates that 200-300 jobs per year will be created in the 1 1/2 year construction period. After completed, 99 Summer Street will house approximately 250 employees.

Development Impact Project Exaction: As required under Section 26(3) of the Boston Zoning Code, the Developer will enter into a Development Impact Project Exaction Agreement with the Boston Redevelopment Authority and the Neighborhood Housing Trust. The amount of said exaction shall be approximately \$800,000.

MEMORANDUM

NOVEMBER 15, 1984

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: STEPHEN COYLE, DIRECTOR

SUBJECT: PROPOSED DEVELOPMENT IMPACT PROJECT PLAN AND
DEVELOPMENT IMPACT PROJECT AGREEMENT FOR
99 SUMMER STREET/SUMMER, BEDFORD AND
KINGSTON STREETS, BOSTON PROPER

Bedford-Kingston Realty Trust requests approval of a Development Impact Project Plan (DIPP) for the construction of a mixed-use office building with ground floor retail and restaurant uses, a five-story atrium arcade, and three levels of below grade parking. The development known as 99 Summer Street is sited on approximately 20,907 square feet of land bounded by Summer, Bedford, and Kingston Streets. The building above grade will include approximately 260,000 square feet of gross floor area, 20,000 of which will be dedicated to ground floor commercial uses and the remainder to first-class office space. Underground parking will include 120 spaces. Service and delivery access to the development initially will be through two off-street loading bays on Bedford Street. When underground service and parking access from Bedford Street is completed contiguous to this site, the developer has agreed to transfer the 99 Summer Street drive and service entrance to below grade, and replace at-grade access with retail uses.

The development has undergone extensive design review by Authority staff and schematic design plans have been approved.

In accord with the Development Impact Project Plan and Agreement for 99 Summer Street, a Housing Payment Exaction of \$800,000 shall be paid by the developers to the Boston Redevelopment Authority, acting on behalf of the Neighborhood Housing Trust, for the development of low and moderate income housing in the City.

The developer also has agreed to finance street improvements on Summer Street up to \$150,000 and has agreed to pay an additional \$150,000 to a fund to be established by the Authority for the purpose of fostering commercial revitalization in neighborhoods of the City.

I recommend that the Authority approve the attached Development Impact Project Plan and Development Impact Project Agreement requested by Bedford-Kingston Realty Trust. Appropriate votes follows:

VOTED: That in connection with the Development Impact Project Plan for the land in Boston Proper bounded by Summer Street, Bedford Street, and Kingston Street, presented at a public hearing duly held at the offices of the Authority on Thursday, November 15, 1984, and after consideration of evidence presented at the hearing, the Boston Redevelopment Authority finds that: (1) said Plan con-

forms to the general plan for the City as a whole;
(2) and that nothing in said Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare; and (3) said Plan does adequately and sufficiently satisfy all other criteria and specifications for a Development Impact Project Plan as set forth by the Boston Zoning Code, Article 26; and further

VOTED: Pursuant to the provisions of Article 26 of the Zoning Code of the City of Boston, as amended, the Boston Redevelopment Authority hereby approves the Development Impact Project Plan for the land bounded by Summer Street, Bedford Street, and Kingston Street. Said Development Impact Project Plan is embodied in a written document entitled, "Development Impact Project Plan, 99 Summer Street" dated November 15, 1984, and in a series of plans listed in Exhibit C in said document. Said document and plans shall be on file in the office of the Director of Zoning of the Authority; and further

VOTED: The Authority approves the Development Impact Project Agreement for the Development Impact Project at 99 Summer Street, and hereby authorizes the Director to execute the Development Impact Project Agreement between Bedford-Kingston Realty Trust and the Boston Redevelopment Authority, acting on behalf of the Neighborhood Housing Trust, for the purpose of securing a Development Impact Project Exaction. Said Agreement is embodied in a written document entitled "Development Impact Project Agreement, 99 Summer Street", dated November 15, 1984. Said document shall be on file in the offices of the Authority; and further

VOTED: The Authority hereby authorizes the Director to certify in the name of the Authority, that plans submitted to the Commissioner of the City of Boston Inspectional Services Department are in conformity with the Authority-approved Development Impact Project Plan and that Bedford-Kingston Realty Trust has entered into an Agreement with the Boston Redevelopment Authority, acting on behalf of the Neighborhood Housing Trust, for the purpose of securing a Development Impact Project Exaction; and further

VOTED: That in reference to Petition Z-7275, by Bedford-Kingston Realty Trust, for the variances and conditional use permit listed in said Petition for 99 Summer Street, and in accord with Sections 26-3(1), (2) of the Boston Zoning Code, the Boston Redevelopment Authority has approved the Development Impact Project Plan for said project, and Bedford-Kingston Realty Trust has entered into an Agreement with the Authority, acting on behalf of the Neighborhood Housing Trust, to be responsible for a Development

Impact Project Exaction, and the Authority finds said Petition to be in conformity with said Plan. Therefore, the Authority recommends approval of said variances and conditional use permit, provided that the final plans be submitted to the Authority for design review.

COMMONWEALTH OF MASSACHUSETTS

November 12, 1985

Re: Special Impact Project Plan
100 Summer Street
Boston Proper

Developer: Richard R. Rubin and Myra Rubin are both are owners of the Bedford-Longwood Realty Trust under Declaration of Trust dated February 17, 1984 recorded with Suffolk Registry at Book 1491, Page 301.

Architect: Gandy, Gandy and Associates, Inc. of Boston, Massachusetts.

Site Description: Approximately 10,000 square feet of land is located at the intersection of Summer Street and State Street in the City of Boston. The site is bounded by State Street to the north, Summer Street to the south, and by the existing building to the east. The site is currently vacant and is zoned B-1. The proposed development is a 10-story office building with a total floor area of approximately 100,000 square feet. The building will be constructed of steel and glass and will feature a modern architectural design. The development is expected to create approximately 100 jobs and to increase the tax base of the City of Boston.

Location and Appearance of Structure: The proposed structure is located at the intersection of Summer Street and State Street in the City of Boston. The building will be a 10-story office building with a total floor area of approximately 100,000 square feet. The building will be constructed of steel and glass and will feature a modern architectural design. The development is expected to create approximately 100 jobs and to increase the tax base of the City of Boston.

General Description of Development and Use: The proposed development is a 10-story office building with a total floor area of approximately 100,000 square feet. The building will be constructed of steel and glass and will feature a modern architectural design. The development is expected to create approximately 100 jobs and to increase the tax base of the City of Boston.

BOSTON REDEVELOPMENT AUTHORITY

November 15, 1984

Development Impact Project Plan -
99 Summer Street
Boston Proper

Developer: Richard H. Rubin and Myrna Putziger as they are trustees of the Bedford-Kingston Realty Trust under declaration of trust dated February 27, 1984 recorded with Suffolk Registry of Deeds at Book 10792, Page 201.

Architect: Goody, Clancy and Associates, Inc. of Boston, Massachusetts.

Site Description: Approximately 20,907 square feet of land bounded by Summer Street, Bedford Street and Kingston Street and adjacent to the rehabilitated Church Green Building. The site is now vacant and used only as a surface parking lot. A site plan for the development is attached as Exhibit A. The Developer has entered into an Option Agreement pursuant to which Developer has the right to acquire the site.

Location and Appearance of Structures: Developer plans to construct a single building on the site, to be known and numbered 99 Summer Street. 99 Summer Street will be entered from Summer Street through a five-story atrium arcade. This five story element is equal in height to adjacent, existing buildings on Summer Street. The major massing of the building is oriented toward Bedford Street and consists of a five faceted tower having nineteen stories plus a pent-house.

General Description of Development and Uses: 99 Summer Street will contain approximately 260,000 square feet of gross floor area as defined by the Boston Zoning Code. Approximately 20,000 square feet will be dedicated to ground floor retail and restaurant uses and the balance of such space dedicated to first-class office use. The development will also contain three levels of below grade parking housing 120

vehicles. Service and delivery to the development will be through two off-street loading bays on Bedford Street. The Developer has agreed to incorporate in the design of the second parking level of the project a knock-out panel and provision for a rolling door for the future utilization of off-street loading bays to be created by others beneath Bedford Street. In addition, a knock-out panel would be provided for future vehicular access to the parking garage. Such knock-out panels, and the proposed future location of loading bays beneath Bedford Street, are shown on Exhibit E annexed hereto. If Developer shall obtain the right to use such future off-street loading bays beneath Bedford Street and access to the parking levels on reasonable terms and conditions, Developer would dedicate the area at grade on Bedford Street currently dedicated to off-street loading bays to retail use, and the area at grade on Kingston Street currently dedicated to garage access.

Estimated Construction Time: Construction is scheduled to begin in December, 1984 with completion scheduled for early Fall, 1986.

Projected Number of Employees: The Developer estimates that 200-300 jobs per year will be created in the 1 1/2 year construction period. After completed, 99 Summer Street will house approximately 850 employees. The Developer has agreed to formulate a voluntary Employment Opportunity Plan, which plan will detail Developer's good faith efforts to assure that 50% of the employment opportunities created in the project will be made available to Boston residents.

Development Impact Project Exaction: As required under Section 26(3) of the Boston Zoning Code, the Developer will enter into a Development Impact Project Exaction Agreement with the Boston Redevelopment Authority and the Neighborhood Housing Trust, or if such Trust has not been established at the time of execution of such Agreement, with the Boston Redevelopment Authority acting on behalf of said Trust. The Development Impact Project Exaction shall be made as a Housing Payment Exaction payable to said Trust or fiduciary in twelve equal annual installments, the first

installment due upon the issuance of a Certificate of Occupancy for the 99 Summer Street development, or twenty-four months after the issuance of the building permit for the development, whichever occurs first as fully set forth in the Development Impact Project Exaction Agreement. The amount of said exaction shall be approximately \$800,000, calculated as follows:

Gross floor area dedicated to
retail and office use

*260,000
-100,000
160,000
x \$5
\$800,000

* The precise amount of such exaction shall be calculated based upon the gross floor area of the development as shown in the plans submitted for a building permit.

Other Financial Commitments of Developer: In addition to agreeing to make payment of the Development Impact Project Exaction required under Article 26 of the Boston Zoning Code, the Developer has agreed with the Boston Redevelopment Authority to make a voluntary supplemental payment in the amount of \$150,000 to a fund to be established for the purpose of fostering commercial revitalization in Boston's neighborhoods. Such supplemental payment will be made on the date of the first Development Impact Project Exaction payment.

Developer has further agreed to develop a schematic design for a pedestrian mall on Summer Street between the intersection of Kingston and Otis Streets and Devonshire Street. Developer will deposit in an escrow account for the benefit of the Boston Redevelopment Authority an amount, not to exceed \$150,000, to be used by the Boston Redevelopment Authority to fund one-half of the cost of such mall improvements.

Density:

The floor area ratio of 99 Summer Street, calculated in accordance with the Boston Zoning Code, shall not exceed 12.5. Exhibit B shows the calculation of gross floor area.

Proposed Traffic Circulation: Vehicular access to the below grade parking facilities of 99 Summer Street is gained off of Kingston Street. Loading bays are accessed from Bedford Street. Vehicular circulation has been designed to accommodate future creation of a "pedestrian only" zone on Summer Street.

The development has two major pedestrian entrance points, the first on Summer Street and the second on Bedford Street.

Access to Public Transportation:

<u>Transportation</u>	<u>Station</u>	<u>Walk</u>
South and West Commuter Rail	South Station	5 minutes
North and Northwest Commuter Rail	North Station	20 minutes
Red Line	South Station	5 minutes
	Washington	3 minutes
Blue Line	Aquarium	8 minutes
Orange Line	Washington	3 minutes
Green Line	Park Street	8 minutes
Express Buses West	Chauncy & Summer Streets	3 minutes
Express Buses South	South Station	5 minutes
South Shore Ferries	Rowes & Fosters Wharves	8 minutes
Interstate Buses	Trailways	5 minutes

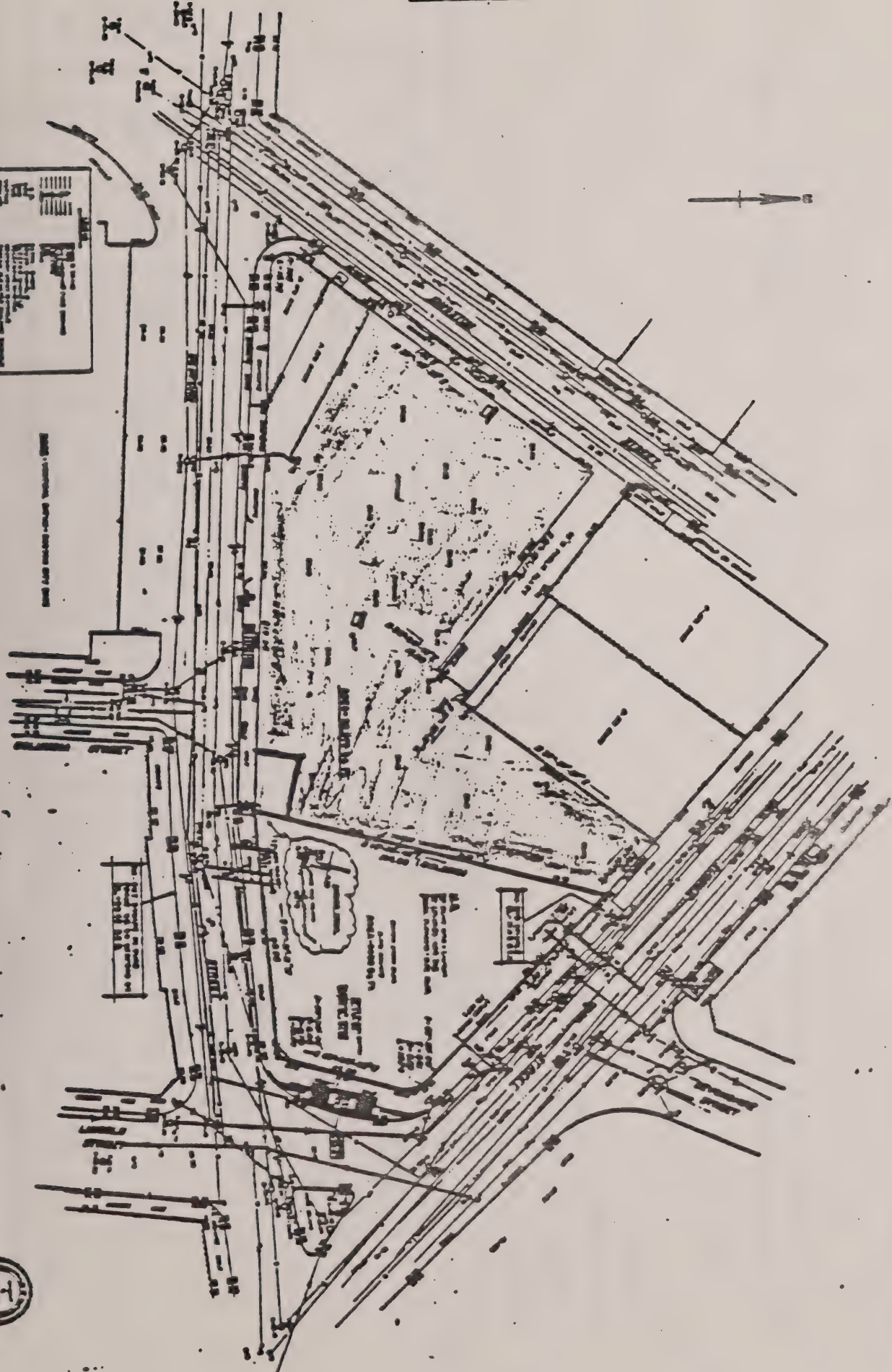
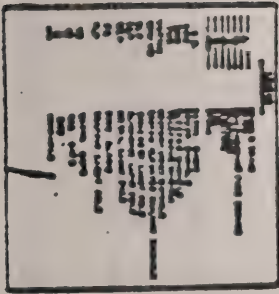
Design Drawings: Plans for 99 Summer Street have been prepared by Goody, Clancy and Associates, Inc. Schematic plans for the development, submitted herewith as Exhibit C, have been approved by the staff of the Boston Redevelopment Authority. Such plans include a site plan, typical floor plans, and elevations for all facades of the development.

Design Review: All design plans for 99 Summer Street and all landscaping and paving shall be subject to design review in accordance with the BRA's design review procedures dated April, 1984.

Zoning Relief Required: Zoning relief required for the development is set forth in detail in the appeal of the

Developer to the Board of Appeal filed on September
21, 1984, annexed hereto as Exhibit D.

EXHIBIT A



BD 534

ZONING COMPUTATION FORM COVERING ALL NEW BUILDINGS, CHANGES OF OCCUPANCY, ALTERATIONS, ETC.

- (1) Use Item: ARTICLE 8 41 (office building); 43, 34, 37 and 38 (ground floor retail and restaurant use);
72 (accessory parking)
- (2) DIMENSIONAL REQUIREMENTS: ARTICLE 13-1

	ARTICLE AND SECTION	14-1	14-2	14-1 Plus 14-2	14-3 14-4	ART 15	ART 16	ART 17	ART 18	ART 19	ART 20	ART 21	ART 22
		MIN. LOT SIZE	MIN. LOT AREA FOR ADDITIONAL DWELLING UNIT	TOTAL LOT SIZE	MIN. LOT WIDTH	MAX. FLOOR AREA RATIO	MAX. HEIGHT OF BUILD.	USABLE OPEN SPACE PER DWELL. UNIT	MIN. FRONT YARD	MIN. SIDE YARD	MIN. REAR YARD	MIN. SETBACK OF PARAPET	MAX. USE OF REAR YARD
B-10 Zone	Req'd BY CODE	none	none	none	none	10	none	none	none	none	none*	$H + \frac{L}{8}$	none
	EXISTING CONDITION	---	----	20,907	---	0	----	----	----	----	----	----	----
	PROPOSED CONDITION	---	----	20,907	---	12.5	----	----	----	----	----	See Attached	----

*The lot is a through lot; therefore Section 20-7 applies and front yard requirement is substituted.

Gross Floor Area: SECTION 2-1(21) F.A.R. = $\frac{\text{Gross Floor Area}}{\text{Lot Area}} = 12.5$
 $\frac{260,000}{20,907} = 12.5$

Basement --

First Floor --

Second Floor --

Third Floor --

See Attached

Total --

- (3) OFF-STREET PARKING: ARTICLE 23 None required - Lot is in restricted parking district. 120 spaces
 Dwelling Units X factor = spaces (for houses, apartments, hotels, etc.) provided in 3 levels below grade.

or
 Floor Area/factor = spaces (for offices, stores, factories, etc.)

- (4) OFF-STREET LOADING: ARTICLE 24

ANY requirement is hereby provided

FLOOR	G.O.F. BLDG. ENVELOPE	DEDUCTS				GROSS AREA
		ATRIUM	MECH. ROOMS	ELEV. HALLWAYS	MECH. SHAFTS	
1	20,381				* ASSUMED	20,381
MEZZANINE	5 4000 ASSUMED					4,000
2	20,307/16,513	3794	457	623	75*	15,358
3	20,307/16,875	3432				15,720
4	20,307/17,188	3119				16,033
5	20,167/17,170	2732				16,215
6	14042	NONE				12,937
7	14042					
8	14042					
9	14092					
10	14012					
11	14012					
12	13,917			836		12,579
13	12,840			295		12,013
14	12,840					12,013
15	12,527					11,710
16	10,401					9,582
17	10,273					9,446
18	10,250					9,423
19	9,445					8,615
20	8,514					7,687
MECH/PENTHOUSE	6,408		6408			
TOTAL	297,439	13,077	15091	9,426	1425	258,420

34,019

Setback Calculations

* Denotes a variance needed

Elevation: KINGSTON STREET (40 feet wide)

a.	5 story portion	Required: 0.0 Provided: 0.0
b.	15 story portion	Required: 13.7 Provided: 7.5*
c.	18 story portion	Required: 17.7 Provided: 15.0*
d.	19 story portion	
	(i) gable	Required: 11.8 Provided: 15.0
	(ii) recessed	Required: 17.5 Provided: 20.0
e.	penthouse	Required: 18.7 Provided: 34.0

Elevation: BEDFORD to KINGSTON (Side lot line)

a.	5 story portion	Required: 0.0
		Provided: 0.0
b.	15 story portion	Required: 21.2
		Provided: 7.5*
c.	18 story portion	Required: 26.1
		Provided: 15.0*
d.	19 story portion	
	(i) gable	Required: 19.9
		Provided: 15.0*
	(ii) recessed	Required: 26.5
		Provided: 20.0*
e.	penthouse	Required: 28.4
		Provided: 34.0

Elevation: BEDFORD STREET (40 feet wide)

a. 5 story portion	Required: 2.6 Provided: 0.0*
b. 12 story portion	Required: 9.8 Provided: 0.0*
c. 15 story portion	Required: 13.1 Provided: 0.0*
d. 18 story portion	Required: 14.9 Provided: 0.0*
e. 19 story portion	
(i) gable	Required: 11.8 Provided: 0.0*
(ii) recessed	Required: 15.5 Provided: 5.0*
f. penthouse	Required: 18.0 Provided: 19.0

Elevation: SUMMER STREET (60 feet wide)

a.	5 story portion	Required: 0.0
		Provided: 0.0
b.	12 story portion	Required: 0.0
		Provided: 80.5
c.	15 story portion	Required: 0.0
		Provided: 95.5
d.	18 story portion	Required: 11.4
		Provided: 110.5
e.	19 story portion	
	(i) gable	Required: 1.8
		Provided: 110.5
	(ii) recessed	Required: 12.0
		Provided: 115.5
f.	penthouse	Required: 13.5
		Provided: 129.5

Elevation: CHURCH GREEN BUILDING (Side line line)

a.	5 story portion	Required: 0.0 Provided: 0.0
b.	12 story portion	Required: 14.8 Provided: 17.9
c.	15 story portion	Required: 18.2 Provided: 19.3
d.	18 story portion	Required: 21.7 Provided: 39.8
e.	19 story portion	
	(i) gable	Required: 20.0 Provided: 39.8
	(ii) recessed	Required: 22.3 Provided: 44.8
f.	penthouse	Required: 23.8 Provided: 58.8

Date June 22, 1984

Project: 99 Summer Street

Street Address

for Permits: 99 Summer Street
Boston, MA 02110

Site Area: Summer St., Franklin St., Bedford Street

Street Frontages: _____

Parking Spaces above
and below grade: 70

Height to Cornice: @ 19th Floor.: 239.5 feet, line of penthouse @ 20th
Floor: 249 feet

Height to Top: 282 feet

Exterior Material
& Manufacturer: Masonry (natural stone and/or precast under consideration)

F.A.R. Sq.Ft.: 263,870 GSF ÷ 20,782 = 12.6

Floor Plate Sq.Ft.: Varies 20,350 SF ± to 10,300 SF ±

Developer: Bedford Kingston Realty Trust
11140 Rockville Pike, Rockville, MD 20852

Architect: Goody, Clancy & Associates, Inc.
334 Boylston Street, Boston, MA 02116

Development Cost: \$ * Annual Taxes \$ _____

Construction Financing: \$ * Linkage Contribution

Long Term Financing: \$ * over 12 years \$ _____

Starting Date: November 1984

Occupancy Date: September 1986

Uses by Sq.Ft. Office: 239,464 SF Gross;

Retail: 9,552 SF (net rentable); Parking: 41,182 SF Gross

Service Bays Location
and Requirements: Bedford Street; 2 bays plus dumpster

Construction Jobs: _____

Permanent Jobs: _____

*See proforma submitted by Developer.

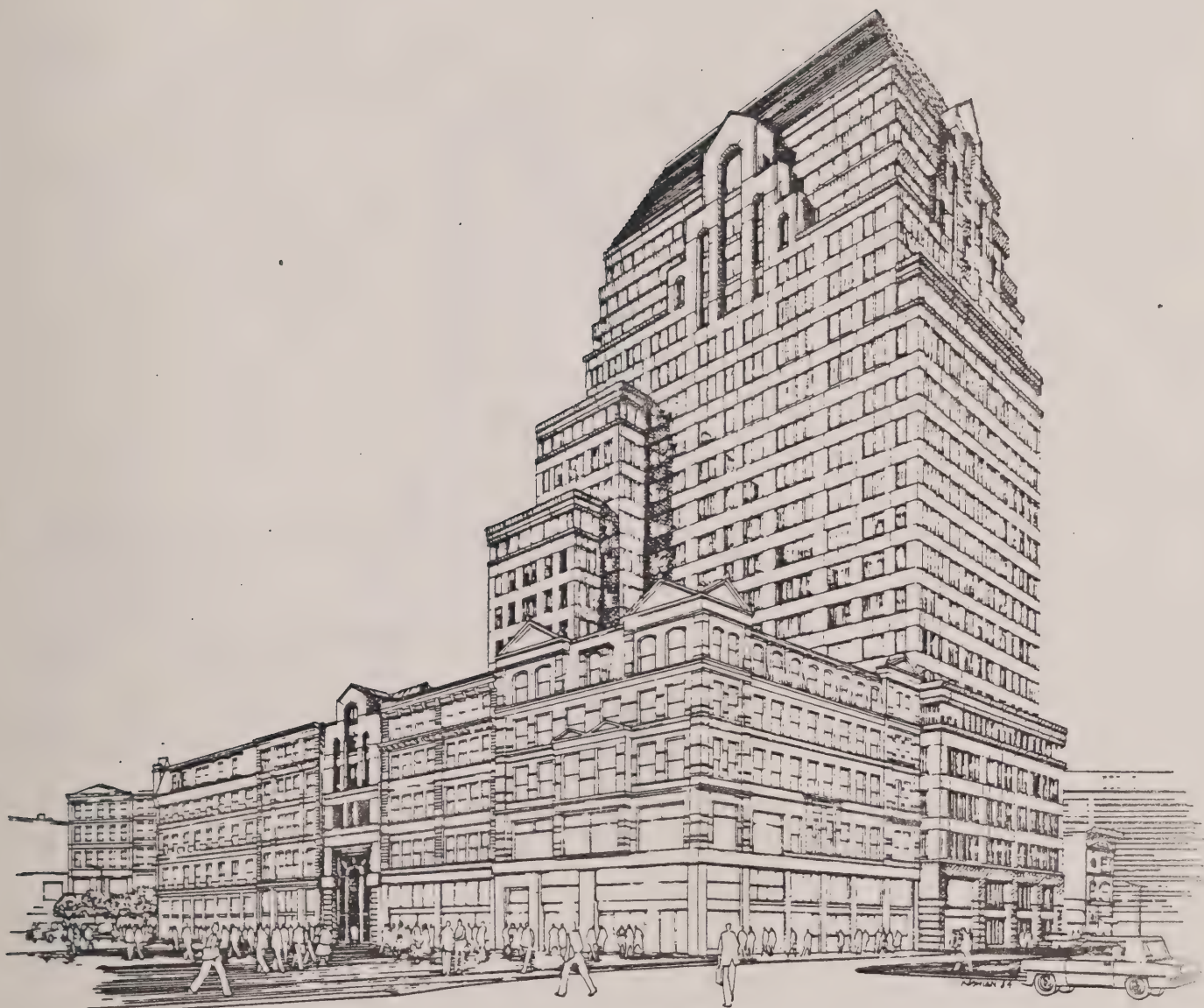
Chronology of project attached.

June 22, 1984

WRITTEN DESCRIPTION

- o A first class office building sited on and related to the historic Bedford block, in Boston's Essex Street development corridor.
- o Located on a now vacant lot used for parking this structure will close the unsightly gaps in the street line and unify the entire block by continuing the 70' cornice line of adjacent buildings at the sidewalk edge while stepping back its volume in a series of set backs.
- o Entries on Summer Street and Bedford Streets with a skylit pedestrian arcade connecting the two.
- o Retail space within the lobby and fronting on both Bedford and Kingston Streets.
- o Lively, articulated facades on all sides, relating to the major lines, materials and rhythms of the adjacent commercial palace district buildings (Church Green, 83-95 Summer Street).
- o A major entry on Summer Street, relating to adjacent facades but also to the scale of the lobby and building of 99 Summer Street.
- o A major entry on Bedford Street, relating in scale and articulation to the Proctor Building.
- o 20 stories plus mechanical penthouse, 282 feet high. (24 feet for the first floor including mezzanine, 19 floors at 12.5 feet/floor and 17 feet for mechanical penthouse plus 7 feet for parapet and elevator vents.)
- o Site area = 20,782 ± sq.ft.
Building area = 263,870 ± gross sq.ft.
(as defined by Boston Zoning)
FAR = 12.6 ±
- o Garage below grade for tenants cars only, with entry off Kingston Street.

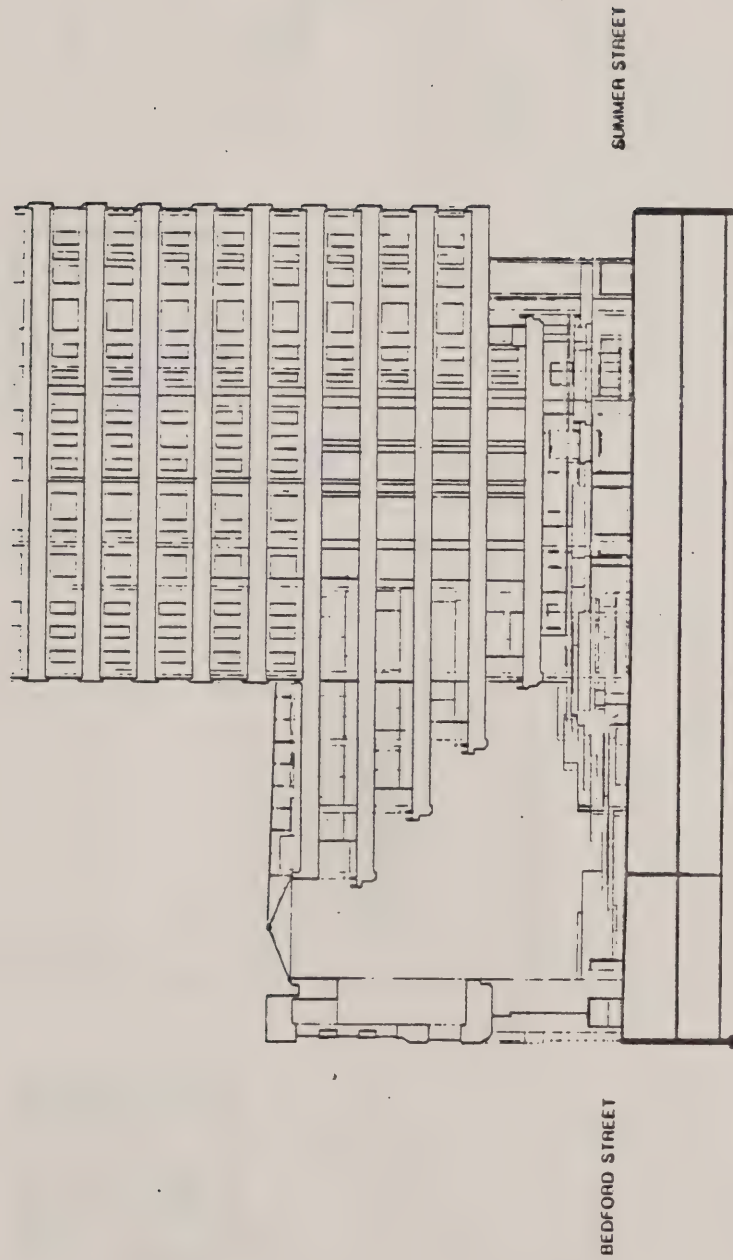




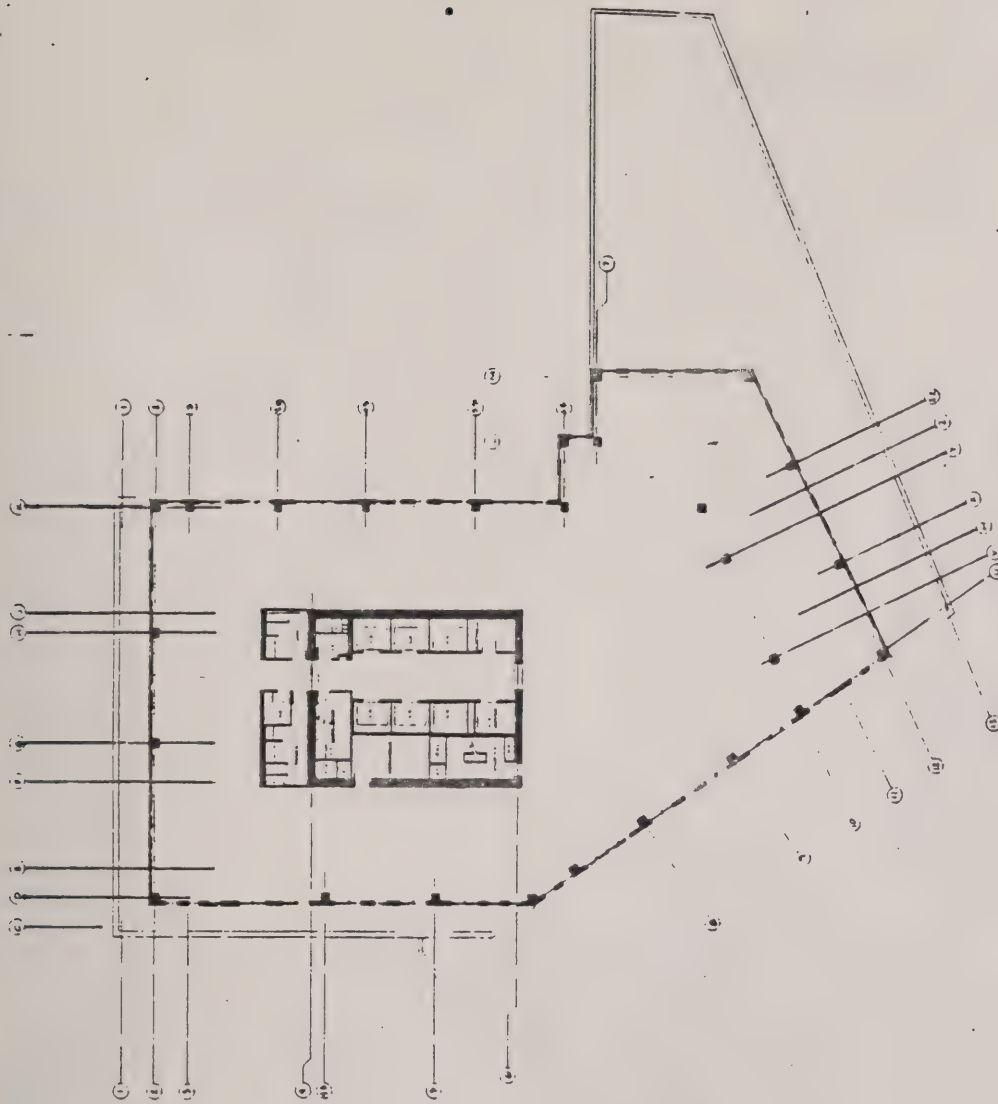
99 SUMMER STREET

BEDFORD KINGSTON REALTY TRUST
GOODY, CLANCY & ASSOCIATES, INC. ARCHITECTS

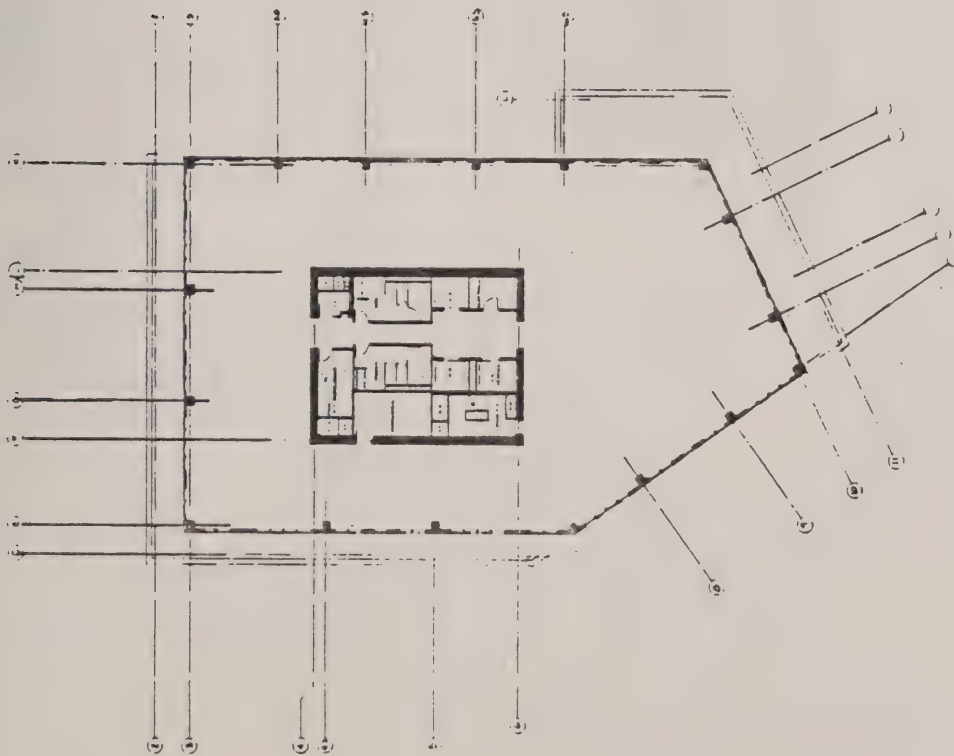




BUILDING SECTION P-2 THROUGH 10

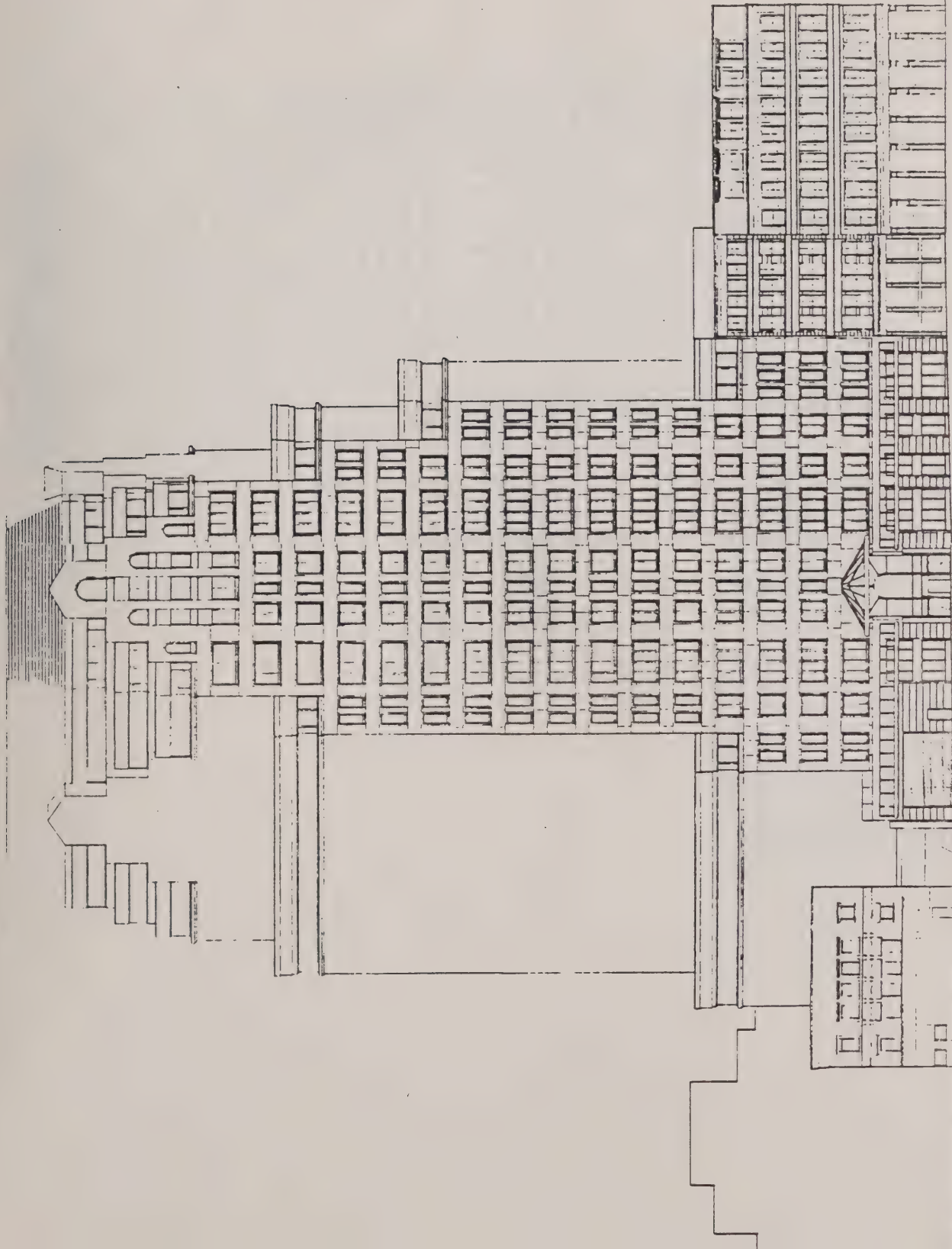


13TH & 14TH FLOOR PLAN



16TH FLOOR PLAN

EXHIBIT C (5)

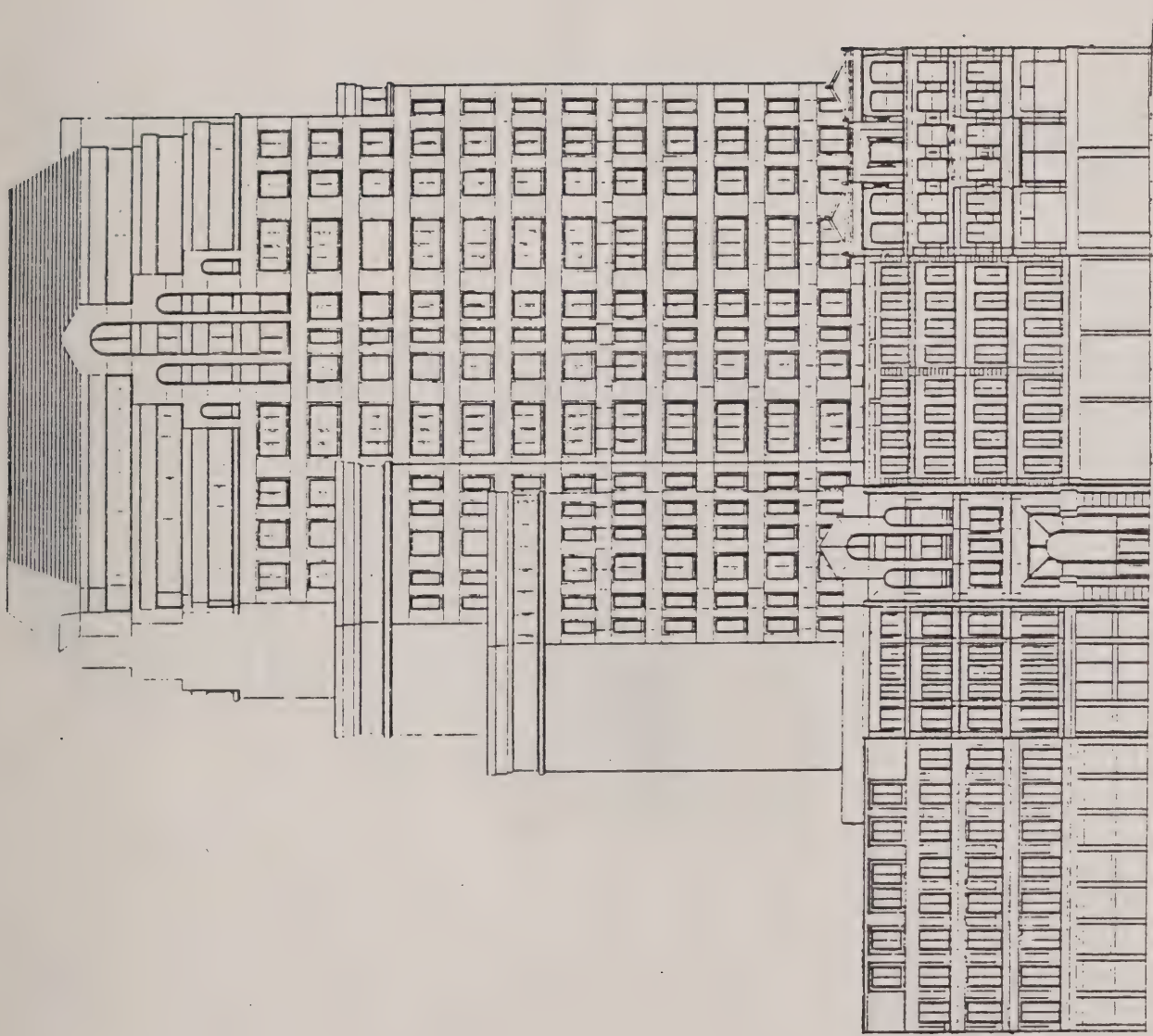


100 SUMNER STREET

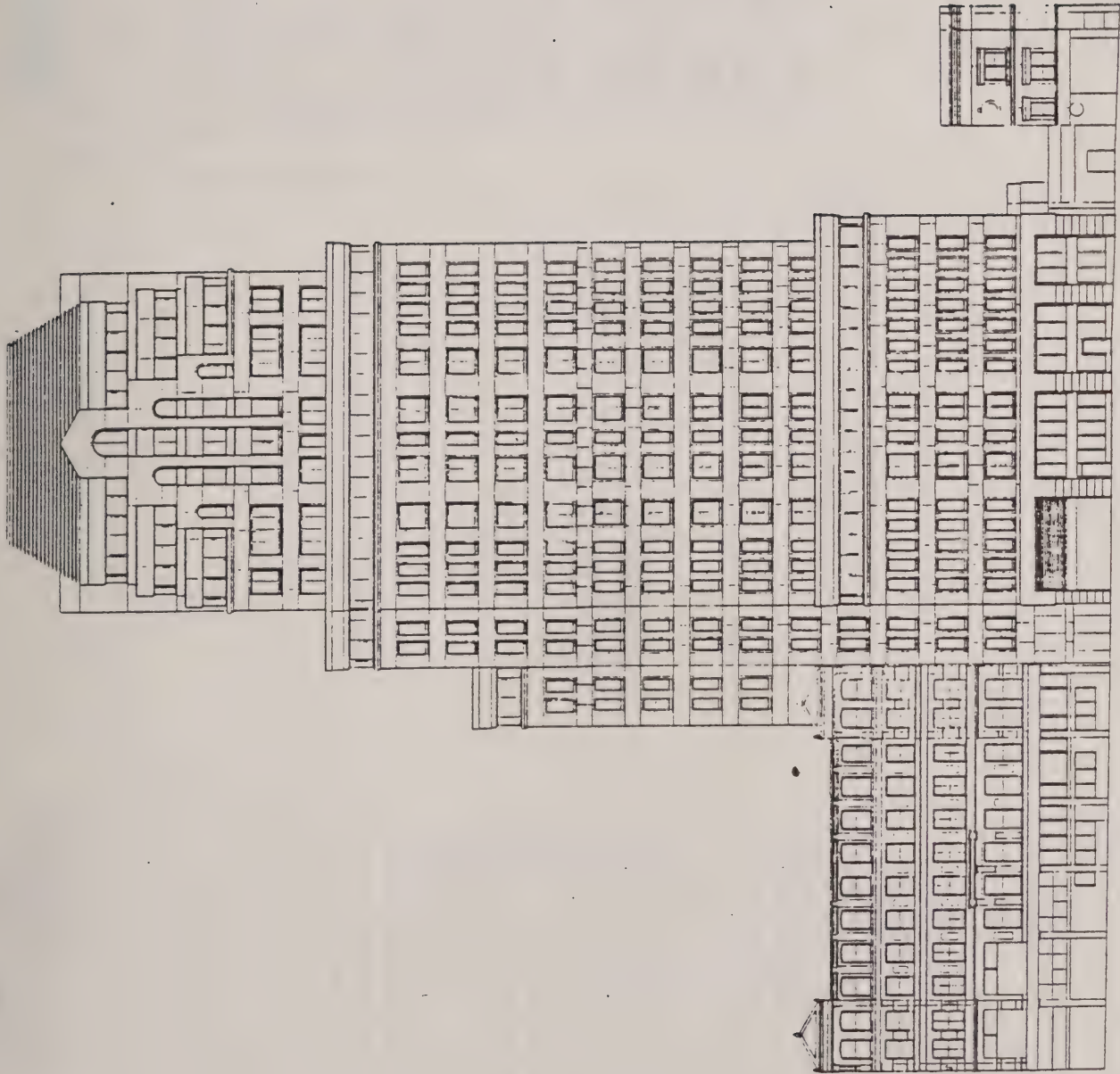
CHURCH GREEN

BEDFORD STREET ELEVATION

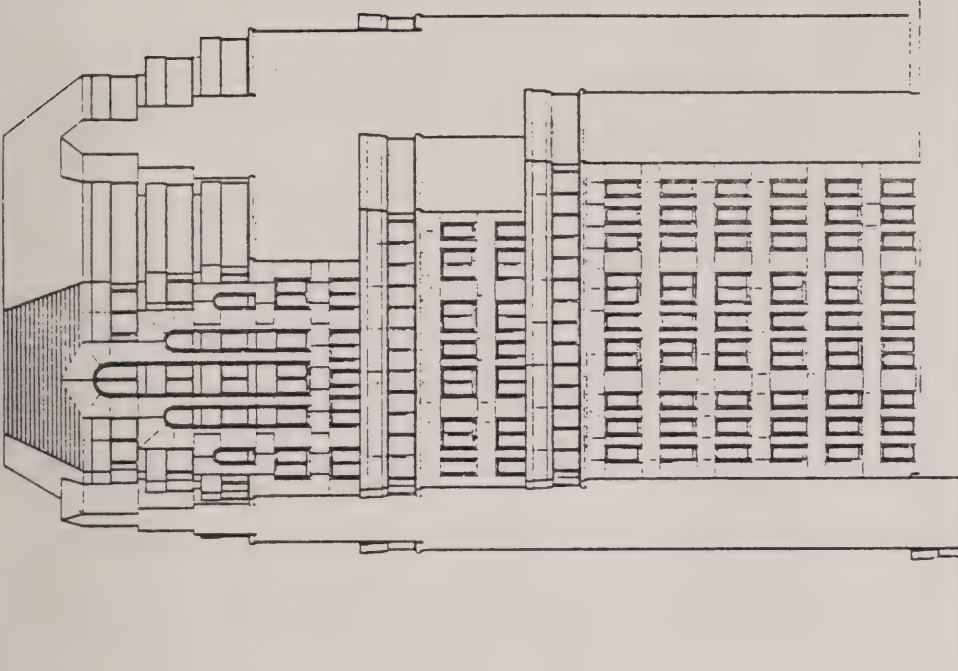
KINGSTON STREET



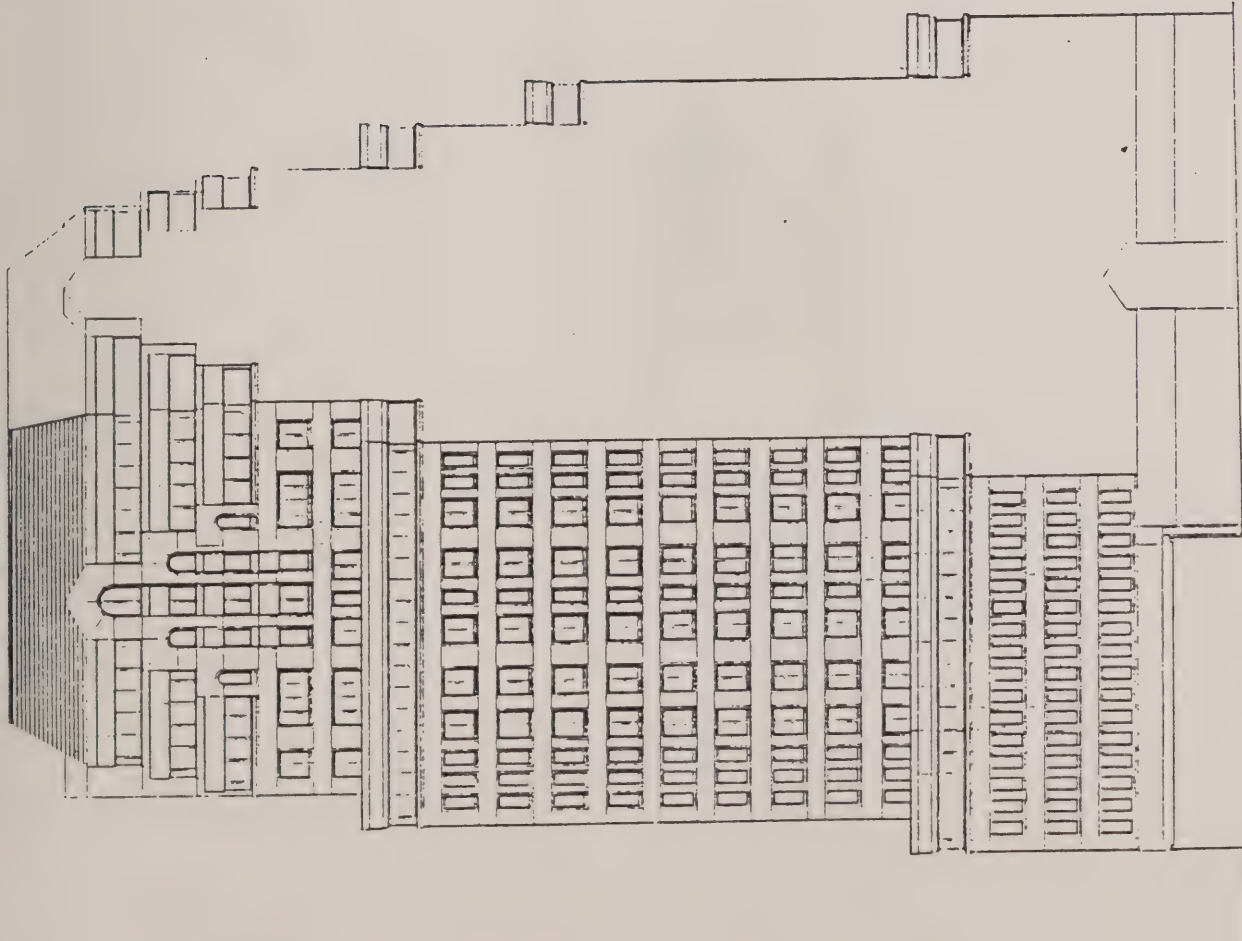
SUMMER STREET ELEVATION



KINGSTON STREET ELEVATION



NORTHEAST ELEVATION (CHURCH GREEN)



SOUTH ELEVATION (PROCTOR BUILDING)

Exhibit D

BD 504a

(An appeal under the Boston Zoning Code to the Board of Appeal must be in writing on this form and filed in quadruplicate with the Building Commissioner of the City of Boston, who shall retain one for his files and transmit one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission.)

CITY OF BOSTON
BOARD OF APPEAL

SEP 21 3 05 PM 1983

APPEAL

under Boston Zoning Code

Boston, Massachusetts, September 21, 1983

To the Board of Appeal in the Building Department of the City of Boston:

The undersigned, being the holder of an option to purchase

Here insert words descriptive of interest in lot, such as the owner(s)

~~at~~ the lot at 99 Summer Street 3
number street district

hereby appeal(s) under St. 1956, c. 665, s. 8, to the Board of Appeal in the Building Department of the City of Boston from the following action taken by the Building Commissioner on Sept. 21, 1983
date

(Here copy letter of refusal in full):

Boston

September 12, 1984

Bedford Kingston Realty Trust
Suite 300 - 11140 Rockville Pike
Rockville, Md., 20852

Re: Application # 723 Dated August 31, 1984

Location 99 Summer Street, Boston, Ward 3 -

Purpose A 20 story office building with retail facilities
ground floor, located on a block bounded by Summer
Bedford Street and Kingston Street. Proposed occupa
to be offices, restaurants (BZC Use Item #37).

Your application cited above is hereby refused as same would be in violation of the Boston
Zoning Code to wit:-

Chapter 665, Acts of 1956 as amended, to wit: Article: 8, 15.21.24:

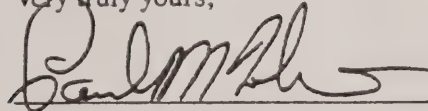
Section 8-7 Use Item #72 Accessory Parking for non-residential uses is
conditional in a restricted parking district.

Section 15-1 Max floor area ratio is exceeded.

Section 21-1 Set back of parapet is insufficient.

Section 24-1 Off street loading bays are insufficient.

Very truly yours,



For the Commissioner

Paul Folkins
Zoning Administrator

Refusal of a permit may be appealed to the Board of Appeal within forty-five days. Chapter
665 of the Acts of 1956, as amended through April 1963.



Raymond L. Flynn, Mayor/INSPECTIONAL SERVICES DEPARTMENT/808 City Hall/Boston
BUILDING DIVISION

This appeal seeks ~~xx~~ conditional use and variances pursuant to Section 7-1. ^{Here insert:} ~~The specific~~ interpretation of Boston Zoning Code

or conditional use permit
or nonconforming use permit
or sub-standard lot permit
or transition zone permit
or variance

are provision of the Boston Zoning Code involved in this appeal ~~xx~~ Section 8-7(72), 15-1, 21-1. More precisely, what is sought by this appeal, and the grounds on which it is claimed that what is sought should be granted, are as follows (here set forth in detail and with particularity exactly what is sought by this appeal, and the reasons therefor):

Section 8-7. Section 8-7 of the Boston Zoning Code (the "Code") provides that Use Item #72, Accessory Parking Garage to an Office Building (Use Item #41), Retail Store (Use Item #34), or Restaurant (Use Items #37 and #38) is a conditional use in a B-10 Zoning District which falls within a Restricted Parking District. It is proposed to construct a three level parking garage in the 99 Summer Street development which will accommodate approximately 120 cars. The available parking will be limited to tenants of and visitors to the office building and its retail and restaurant spaces. Such proposed parking facility will be constructed on a site now operated as an off-street surface parking lot. The proposed office building will contain approximately 260,000 square feet of gross floor area and is expected to generate a demand for parking greater than that which can be met by off-street parking facilities in the vicinity; nor will such demand be adequately served by public transportation. The number of cars to be accommodated in the proposed parking facility does not constitute a significant increase over the number of cars now accommodated by the off-street surface parking lot constituting the development site. Thus no significant change in traffic flow during heavy traffic periods is anticipated. Access to the proposed parking facility will be from a single point on Kingston Street. Such entrance and exit location will pose no serious hazard to vehicles or pedestrians.

The inclusion of below grade parking facilities to serve tenants of and visitors to a first class office building is consistent with the pattern of surrounding development and will not adversely effect the neighborhood. The site of the proposed development is an appropriate location for a first class office building and the proposed below grade parking facility which is an appropriate accessory use for such an office building. Appellants therefore request a conditional use permit pursuant to Article 6 and Section 8-7 of the Code to construct such garage.

Section 15-1. Section 15-1 of the Code establishes a maximum floor area ratio of 10.0 for this development site. The site contains 20,907 square feet and thus the permissible gross floor area, as defined in Section 2-1 (21) of the Code, is 209,070 square feet. The proposed development at 99 Summer

Appellant Trustees of Bedford-Kingston
Realty Trust
By their attorneys, McCormack & Zimbl
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Street will contain approximately 260,000 square feet of gross floor area, as so defined, resulting in a floor area ratio of approximately 12.5. Appellants seek a variance from the requirements of Section 15-1 to construct the proposed 99 Summer Street development having a floor area ratio of 12.5 which is in excess of the 10.0 floor area ratio permitted under the Code. Appellants respectfully submit that the granting of such variance is consistent with the conditions set forth in Section 7-3 of the Code and in support of such assertion submit the following information.

The development site is an irregularly shaped parcel of vacant land lying mid-block but having frontage on three public ways. The site is next to the so-called "Church Green" building, and across the street from the so-called "Bedford Building," both being properties on the Massachusetts Register of Historic Places. Development of the site must respect the scale and character of these and other buildings of architectural importance. Such respect includes substantially limiting the height of the building, and thus the density of development, on the portion of the site fronting on Summer Street. It also requires a massing which steps in multiple tiers to create a transition from the existing context. The premium costs arising from such architectural treatment cannot be economically offset by a building meeting the 10.0 floor area ratio limitation of the Code. The building proposed by Appellants is consistent with the pattern of first class office buildings developed in the vicinity. The approximately 260,000 square feet of gross floor area is the minimum size building to offset premium costs described.

Section 21-1. Section 21-1 establishes certain required setbacks for building parapets from lot lines, calculated as a function of building height and parapet length. Appellants request a variance under the provisions of Section 7-3 of the Code from the requirements of said Section 21-1 as applied to the parapet setbacks of the proposed office building on Kingston Street, Bedford Street and the side lot line between those two streets. The architectural treatment of the proposed development described above shifts the mass of the building away from the most sensitive facades, those being on Summer Street and abutting the Church Green building, toward the less sensitive facades. Parapet setback on those two sensitive facades substantially exceeds that required by the Code. Appellants respectfully submit that the rearrangement of parapet setbacks to respond to the architectural and historical context of the site is a

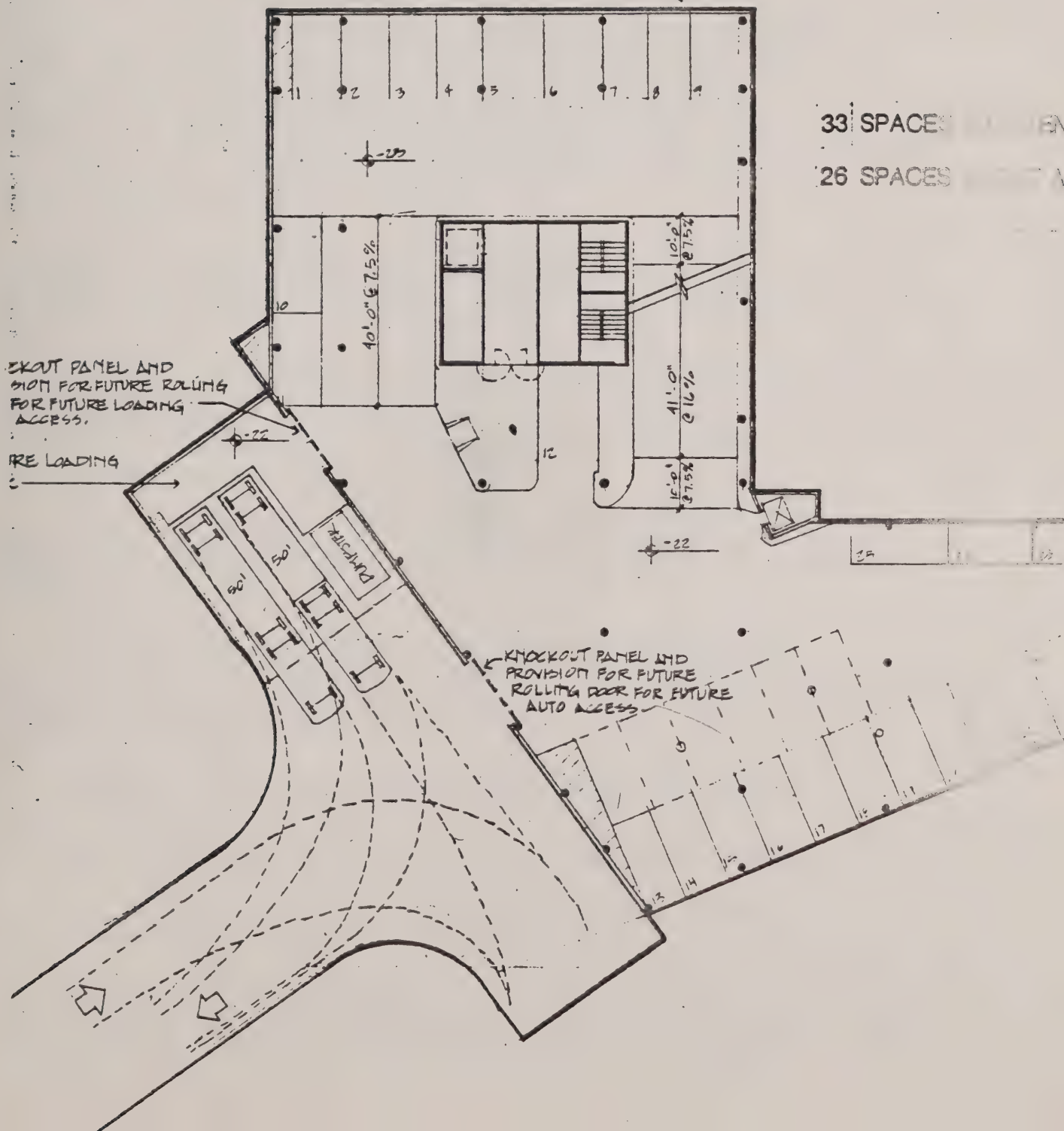
reasonable design of the proposed building, constitutes the minimum variance which will accomplish the purpose of respecting such context and otherwise satisfies the requirements for the granting of a variance from the requirements of Section 21-1.

Sections 24-1. Section 24-1 requires that an office building having a gross floor area of 260,000 square feet shall contain three off-street loading bays. Section 24-2 of the Code requires that each such loading bay shall be no less than 10 feet in width, 25 feet in length and 14 in height, each such dimension being exclusive of maneuvering area and access drives. The proposed 99 Summer Street development is designed to provide two off-street loading bays, each in compliance with the dimensional requirements of Section 24-2. Appellants respectfully request a variance in accordance with the provisions of Section 7-3 of the Code to enable the construction of such development providing only two loading bays.

The site of the 99 Summer Street development is bounded on three sides by public ways. The Summer Street frontage is totally unavailable as a location for loading bays both because of the incompatibility of such use with activities on Summer Street and because of heavy pedestrian traffic on that street. Kingston Street is also unavailable because of plans on the part of the City to utilize Kingston Street as a bus route. The width of Kingston could not accommodate bus traffic with a loading facility in use. Therefore, only Bedford Street is available as a location for loading bays. Only 145 feet of frontage exists on that street. That length must accommodate both the loading bays and a major pedestrian entrance to the development. That frontage also falls within the intersection of Columbia and Bedford Streets, which effectively halves the available frontage for loading. Thus the shape, location and dimensions of the parcel in question do not permit for the safe construction of an additional off-street loading bay, and the literal enforcement of the requirements of Section 24-1 would therefore create a substantial hardship to the Appellants.

A reduction to two off-street loading bays is the minimum variance necessary to allow a reasonable use of the parcel for a first class office building. Appellants note that the provision of two off-street loading bays for a first class office building of the size of this development is consistent with the facilities provided to substantially all of the newly constructed office buildings in downtown Boston, substantially all of which has been granted zoning relief to provide fewer than the number of off-street loading bays required by the Code.

EXHIBIT E



11/14/84

DEVELOPMENT IMPACT PROJECT AGREEMENT

99 SUMMER STREET

AGREEMENT made this day of November, 1984 by and between Richard H. Rubin and Myrna Putziger as they are trustees of Bedford-Kingston Realty Trust under declaration of trust dated February 27, 1984 recorded with Suffolk Registry of Deeds at Book 10792, Page 201 having mailing address care of McCormack & Zimble, 225 Franklin Street, Boston, Massachusetts (the "Applicant") and the Boston Redevelopment Authority, a body politic and corporate created pursuant to Chapter 652 of the Act of 1960, as amended (the "Authority") acting as escrow agent for the Neighborhood Housing Trust as defined in Article 26 of the Boston Zoning Code (the "Trust").

WHEREAS, the Applicant is the developer of a parcel of land bounded by Bedford Street, Kingston Street and Summer Street to be known and numbered 99 Summer Street (the "Site") which Site is more particularly described on Exhibit A annexed hereto; and

WHEREAS, the Applicant proposes to construct on the Site an office building with ground floor commercial space (the "Project") which constitutes a "Development Impact Project" as defined in Section 26-2 of Article 26 of the Boston Zoning Code as in effect on the date hereof ("Article 26"); and

WHEREAS, the Applicant has submitted to the Authority a Development Impact Project Plan for such Project (the "Plan") complying with the requirements of Section 26-2, subparagraph 2 of Article 26; and

WHEREAS, the Authority, after a public hearing held on November 15, 1984, notice of which hearing was published in the Boston Herald on November 8, 1984, has approved such Development Impact Project Plan pursuant to Section 26-3, subparagraph 1 of said Article 26; and

WHEREAS, the Neighborhood Housing Trust contemplated by Article 26 has not been established on the date hereof;

NOW, THEREFORE, the parties hereto agree as follows:

1. Capitalized terms used herein without definition shall have the meanings ascribed in Article 26.

2. The Authority hereby approves the Plan for the Project. Applicant agrees to develop and carry out the Project as described in the Plan, including, without limitation, the undertaking of the Applicant described therein to formulate a

voluntary Employment Opportunity Plan, which plan will detail Applicant's good faith efforts to assure that 50% of the employment opportunities created in the project will be made available to Boston residents.

3. The Project will contain approximately 260,000 square feet of gross floor area dedicated to uses enumerated in Table C of subparagraph 2(a) of Section 26-3 of said Article 26.

The exact gross floor area of such Project to be devoted to such uses will be determined based upon the Contract Documents for the Project approved by the Authority pursuant to the Authority's design review procedure. Contract Documents as used herein shall have the meaning ascribed in the Authority's Design Review Procedure attached hereto as Exhibit B.

4. Within thirty (30) days following approval by the Authority of the Contract Documents for the Project in accordance with such Design Review Procedure, the Applicant shall submit to the Authority a calculation of gross floor area, made in accordance with the requirements of the Boston Zoning Code, of the Project (the "Impact Area"). Such calculation shall be certified by Goody, Clancy & Associates or any successor architectural firm engaged by Applicant to design the Project.

5. Applicant hereby agrees to pay to the Authority with respect to the Project a Development Impact Project Exaction, calculated by multiplying the Impact Area as certified as provided in paragraph 4 above, in excess of 100,000 square feet by \$5, such Development Impact Project Exaction to be payable in twelve (12) equal annual installments as described in Section 26-2, paragraph 3(a) of said Article 26. Based upon the schematic design for the Project approved by the Authority, it is estimated that the total amount of such Development Impact Project Exaction will be Eight Hundred Thousand Dollars (\$800,000), calculated as follows:

Total of Office and Retail Space	260,000 s.f.
Minus	- <u>100,000</u> s.f.
	160,000 s.f.
Times	x <u>5.00</u>
Total	\$ 800,000

6. Applicant hereby agrees to pay the sum of One Hundred Fifty Thousand Dollars (\$150,000) to a fund to be established by the Authority for the purpose of fostering commercial revitalization in neighborhoods of the City of Boston. \$75,000 of such amount shall be paid to such fund simultaneously with the issuance to Applicant by the Inspectional Services Department of the City of Boston of a full building permit for the project in accordance with Section 114.0 of the Massachusetts State Building Code. The balance of such amount shall be paid by Applicant to such fund simultaneously with the payment of the first installment of Development Impact Project Exaction required hereunder.

7. Applicant hereby agrees to develop a schematic design for a pedestrian mall on Summer Street from the intersection of Kingston and Otis Streets to Devonshire Street substantially as shown on Exhibit C annexed hereto. Applicant shall prepare a budget for such schematic design as the same shall have been approved in accordance with the Design Review Procedure of the Authority, and shall thereafter deposit one-half of estimated amount to carry out such improvements, not to exceed \$150,000, in an escrow account for the benefit of the Authority. All interest earned on amounts so deposited shall belong to the Applicant. The Authority may draw upon the amount of such escrow account for the purpose of carrying out such pedestrian mall improvements.

8. The Authority agrees that no trustee or beneficiary of the Applicant shall have any personal liability for the obligations of the Applicant hereunder. The Authority agrees to look only to the Project in the event of any breach by Applicant of its obligations hereunder. Without limiting the generality of the foregoing, the Authority shall have the remedy of attachment of the Project and levy thereon in the event of any such breach.

9. If the City of Boston shall hereafter impose, assess or levy any excise or tax upon the Applicant or the Project, the proceeds of which are dedicated, in whole or in part, to the establishment of a fund for a purpose substantially similar to the purpose recited in Section 26-1 of said Article 26, amounts payable hereunder by Applicant shall be credited against any such excise or tax; provided, however, that if such crediting shall not be legally permissible to satisfy payment of such tax or excise, the obligations of the Applicant hereunder shall, to the extent of the amount of such tax or excise, thereupon cease and be of no further force and effect.

10. This Agreement shall be governed by the laws of the Commonwealth of Massachusetts and, except as otherwise provided in paragraph 7 above, notwithstanding any subsequent amendment or repeal (or court decision having the effect of amendment or repeal) of Article 26, shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto, including, without limitation, any successor owner of all or any portion of the Project and the Trust as successor to the Authority as and when such Trust shall be established.

Executed the day and date first above written.

Richard H. Rubin, as trustee as
aforesaid and not individually

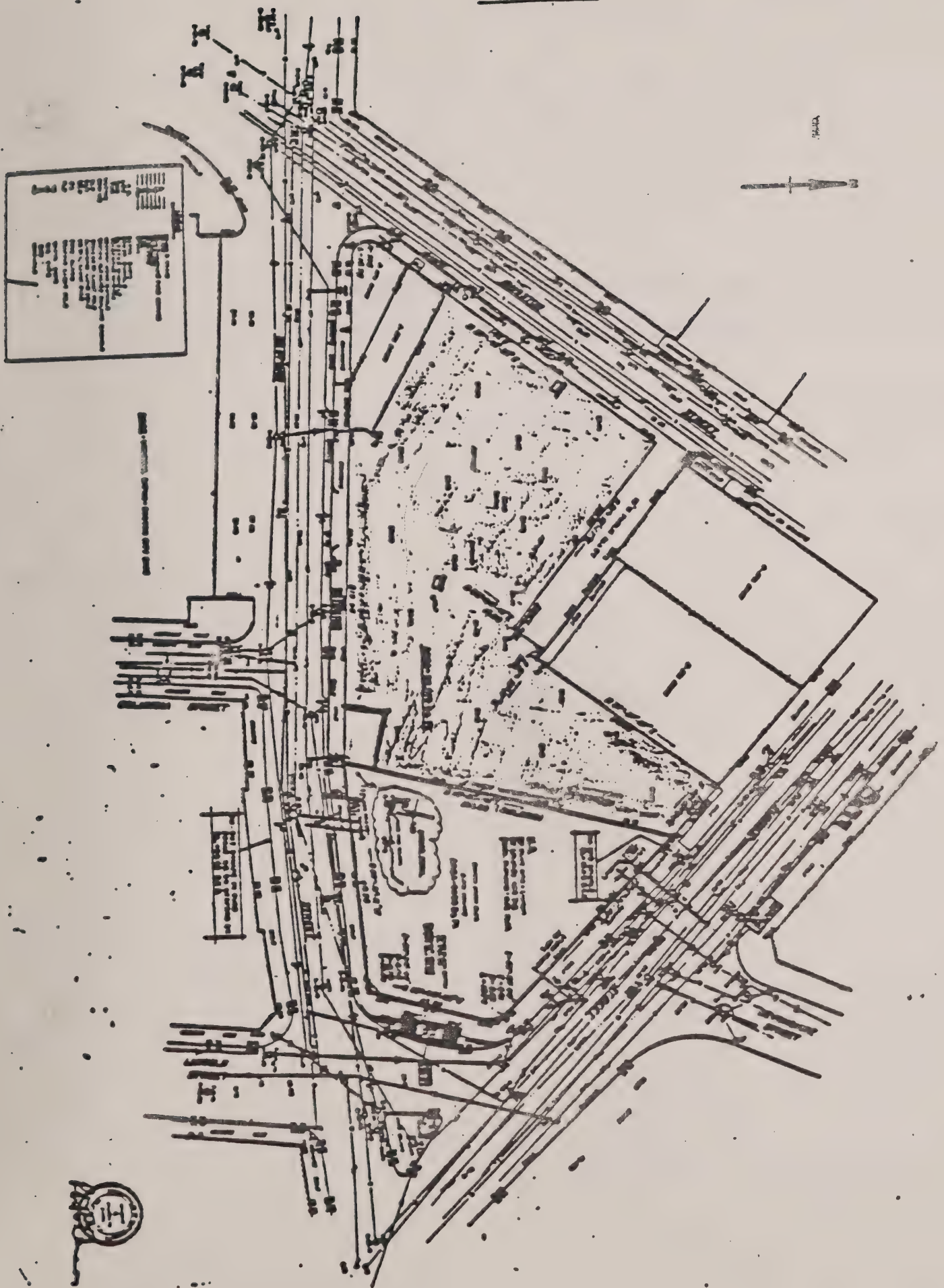
Myrna Putziger, as trustee as
aforesaid and not individually

BOSTON REDEVELOPMENT AUTHORITY

Approved as to form:

Chief General Counsel
Boston Redevelopment Authority

By: _____



THE DESIGN REVIEW PROCEDURE FOR
DEVELOPER'S ARCHITECTURAL SUBMISSIONS
TO THE
BOSTON REDEVELOPMENT AUTHORITY

JANUARY 1984

BOSTON REDEVELOPMENT AUTHORITY DESIGN REVIEW PROCEDURE

All development proposals submitted to the Boston Redevelopment Authority will be subject to design review and approval. Required submissions shall be made at four stages of project design and construction: Schematic Design, Design Development, Contract Documents, and Construction Inspection. Submissions shall include the materials described herein, except that for projects of limited size, scope and impact on their surroundings, certain of the required materials may be waived by the Authority. This determination will be made at the start of each stage of the Design Review Procedure.

In addition to the four-stage Design Review Procedure, other reviews at the request of either the developer or the Authority are encouraged. It is also expected that reasonable requests for progress prints and other materials in addition to these required herein will be met at any time.

Review of Stages 2, 3 and 4 will be limited to consideration of design refinements, new elements not present in previous submissions, and conformity with previously approved submissions.

DESCRIPTION OF SUBMISSION REQUIREMENTS

1. SCHEMATIC DESIGN

The intent of this review is to secure agreement on the basic design concept. The following materials are required:

- a. Written description of the project including all program elements and space allocation for each element.
- b. Site plan at an appropriate scale (e.g., 1" = 16' or 1" = 20') showing:
 1. General relationships of proposed and existing buildings and open space. Open spaces mutually defined by buildings on adjacent parcels and across streets shall be included.
 2. General location of walks, driveways, parking, services and roads, and major landscape features.
 3. Pedestrian and vehicular (including service) access and flow through the parcel and to adjacent areas.
 4. Survey information, such as existing elevations, benchmarks, utilities, etc.
 5. Current ownership (including purchase options) of all portions of the development site.
 6. Phasing possibilities, if any.
 7. Construction limits, if applicable.
- c. Schematic building plans showing ground floor and typical upper floor(s).
- d. Massing model at 1" = 100' for use in the Authority's downtown cityscape model.
- e. Shadow studies showing the effects of the proposed massing on the surrounding area with particular attention to nearby public spaces including sidewalks, parks, and plazas.

Submission of site plan and massing options, as well as other sketches and diagrams which will help clarify design issues and the proposed solution is encouraged. After review and agreement on the program, site plan and massing, the following materials are required:

- f. Building and landscape plans, elevations in the context of the surrounding area, and sections showing organization of functions and spaces, all at an appropriate scale (e.g., 1" = 8'). These drawings shall describe architectural massing, facade design, and proposed materials.

- g. Site model at an appropriate scale (e.g., 1" = 16' or 1" = 20'). A nearby buildings and streets should be included to illustrate the relationship of proportions, materials and facade treatment to the surrounding buildings.
- h. Wind impact studies showing the effect of the project on the surrounding area with particular attention to nearby public spaces including sidewalks, parks, and plaza's.
- i. Estimated construction schedule for the project.
- j. Proposed schedule for submission of Design Development material:

Upon approval by the Authority of the SCHEMATIC DESIGN, the following submission is required:

2. DESIGN DEVELOPMENT

The intent of this review is to secure agreement on the final design prior to detailed work on Contract Documents. The following materials are required:

- a. Written description of the project (including all program elements and space allocation for each element) and zoning calculations.
- b. Site plan at an appropriate scale (e.g., 1" = 16' or as determined after approval of SCHEMATIC DESIGN) showing:
 - 1. Relationship of proposed building and open space to existing adjacent buildings, open spaces, streets, and buildings and open spaces across streets.
 - 2. Proposed site improvements and amenities including paving, landscaping, lighting and street furniture.
 - 3. Building and site dimensions, including setbacks and other dimensions subject to zoning requirements.
 - 4. Any site improvements or areas proposed to be developed by some other party (including identification of responsible party).
 - 5. Proposed site grading, including typical existing and proposed grades at parcel lines.
- c. Site sections at an appropriate scale (e.g., 1" = 16' or as determined after approval of SCHEMATIC DESIGN).
- d. Building plans (including preliminary structural and mechanical drawings), sections and elevations at an appropriate scale (e.g., 1" = 8') developed from approved schematic design drawings. Elevations shall show the project in the context of the surrounding area as required by the Authority to illustrate relationships of character, scale and materials. All plans, sections and elevations

shall reflect the impact of proposed structural and mechanical systems on the appearance of exterior facades, interior public spaces, and roofscape.

- e. Large-scale (e.g., 3/4" = 1'-0") typical exterior wall sections, elevations and details sufficient to describe specific architectural components, methods of their assembly and character.
- f. Outline Specifications of all materials for site improvements, exterior facades, roofscape, and interior public spaces.
- g. Study model at an appropriate scale (e.g., 1" = 16', or as determined after approval of Schematic Design) showing refinements of facade design.
- h. Shadow studies and quantitative wind impact analysis at pedestrian levels showing the effect of the project on the surrounding area with particular attention to nearby public spaces including sidewalks, parks, and plaza's.
- i. Eye-level perspective drawings showing the project in the context of the surrounding area.
- j. Proposed schedule for submission of Contract Documents.

Upon approval by the Authority of the DESIGN DEVELOPMENT, the following submission is required:

3. CONTRACT DOCUMENTS

The intent of this review is to secure agreement on the detailed design of the proposal. The following materials are required:

- a. Written description of the project, (including all program elements and space allocation for each element) and zoning calculations.
- b. Site plan showing all site development and landscape details for lighting, paving, planting, street furniture, utilities, grading, drainage, access, service, and parking.
- c. Complete architectural and engineering Drawings and Specifications.
- d. Full-size assemblies (at the project site) of exterior materials and details of construction.
- e. Eye-level perspective drawings or presentation model that accurately represents the project, and a rendered site plan showing all adjacent existing and proposed structures, streets and site improvements.
- f. Site and building plan at 1" = 100' for Authority use in updating its 1" = 100' Photogrammetric Map Sheets.
- g. Construction schedule for the project.

During preparation of the Contract Documents, it is the developer's responsibility to notify the Authority, promptly and secure its approval of all changes from the approved Design Development Drawings that are contemplated for site improvements, exterior facades, roofscape and interior public spaces. Progress Drawings representing 50% completion of the Contract Documents may be required for review by the Authority.

Upon approval by the Authority of this CONTRACT DOCUMENTS, the following submissions are required:

4. CONSTRUCTION INSPECTION

- a. All Contract Addenda, Change Orders, and other modifications and revisions of approved Contract Documents which affect site improvements, exterior facades, roofscape, and interior public spaces.
- b. Shop drawings of architectural components which differ from, or were not fully described in Contract Documents.

Site visits will be conducted to insure construction of the project in accordance the approved Contract Documents.

99 Summer Street



